

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

The title stands objected to for not being descriptive.

Claims 9-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Endoh et al.* (U.S. Patent No. 6,016,295).

Claims 15-16 stand allowable if rewritten in independent form.

Summary of the Response to the Office Action

Applicants have amended the title by this amendment. Claims 17-29 have been newly added. Accordingly, claims 9-44 are currently pending.

Objection to the Title

The title stands objected to for being not descriptive. Applicants have amended the title to address the Examiner's concerns. Accordingly, Applicants respectfully request the objection to the title be withdrawn.

The Disposition of the Claims

Applicants note with appreciation the Examiner's indication that claims 15-16 stand allowed if rewritten in independent form. Applicants further respectfully submit that claims 9-14 are also believed to be allowable for at least the following reasons.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 9-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Endoh et al.*

This rejection is respectfully traversed.

Applicants respectfully submits that *Endoh et al.* does not anticipate the present claimed invention because *Endoh et al.* does not disclose all of the features of the claimed invention. For instance, it is respectfully submitted that *Endoh et al.* fails to disclose at least the claimed combination including “a reproducing device for reproducing the audio information in the recording method, which is selected by the selecting device from among the plurality of audio information same in content and different in recording method, on the basis of the control information and the record information read by the reading device,” as set forth in independent claim 9.

The Office Action appears to assert that the audio system as taught by *Endoh et al.* corresponds to the information reproducing apparatus as set forth in claims 9-14. However, in contrast to the claimed invention as a whole, *Endoh et al.* teaches an audio system for converting an audio data by a decoder into surround audio signals (emphasis added). See Abstract, lines 4-8, and column 10, lines 29-32 of *Endoh et al.* In fact, no portion of *Endoh et al.*’s disclosure appears to discuss reproducing the audio information among a plurality of audio information which are different in recording method. Hence, it is respectfully submitted that *Endoh et al.* fails to teach or suggest at least the claimed combination including “a reproducing device for reproducing the audio information in the recording method, which is selected by the selecting device from among the plurality of audio information same in content and different in recording

method, on the basis of the control information and the record information read by the reading device,” as set forth in independent claim 9.

MPEP § 2131 states “[t]o anticipate a claim, the reference must teach every element of the claim.” Applicants respectfully submit that since *Endoh et al.* does not teach or suggest all of the features of independent claim 9, *Endoh et al.* does not anticipate claim 9. Further, since claims 10-14 depend from claim 9, it is respectfully submitted that *Endoh et al.* also does not anticipate claims 10-14. Accordingly, withdrawal of the rejection of claims 9-14 under 35 U.S.C. §102(e) is respectfully requested.

New Claims 17-44

Applicants have added new claims 17-44 to further define the invention. Applicants respectfully submits that claims 17-44 are allowable.

Conclusion

In view of the foregoing, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

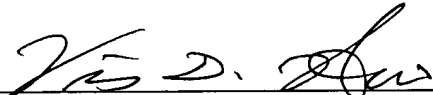
Attached hereto is a marked-up version of the changes made by the current amendment. The attachment is captioned “Version with markings to show changes made.”

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE TITLE:

The title has been amended to read as follows.

APPARATUS FOR REPRODUCING INFORMATION FROM RECORD MEDIUM
ON WHICH AUDIO INFORMATION OF DIFFERING RECORDING METHODS IS
RECORDED [AND APPARATUS FOR REPRODUCING THE SAME]

IN THE CLAIMS:

Claims 17-44 have been newly added.